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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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United States Of America,)	Case No. 2:17-cr-00073-APG -EJY
Plaintiff,)	
)	<u>Stipulation To Continue Sentencing</u>
vs.)	<u>(Second Request)</u>
)	
Justin Anthony Fisher and)	
Joshua Ray Fisher,)	
Defendants.)	
)	

IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A. Trutanich, United States Attorney, District of Nevada, Elham Roohani, Assistant United States Attorney, representing the United States of America, and Thomas Pitaro, Esq., representing the Defendant JUSTIN ANTHONY FISHER, and William Terry, Esq., representing the Defendant JOSHUA RAY FISHER that the sentencing in the above captioned case, which is currently scheduled for February 6, 2020 at 2:00 pm, be continued to a date and time convenient to this Court, preferably the week of March 3, 2020.

1. Government counsel will be traveling out of the district on the currently set date.

2. Government counsel needs additional time to obtain victim impact statements from the live victims in this case for the Court's consideration and to afford the victims their rights under the Crime Victim's Rights Act. This includes facilitating their presence at sentencing if they so request, and obtaining restitution due to them.
3. Defense counsel for both defendants need additional time to obtain mitigation evidence for the Court's consideration.
4. Due to the voluminous discovery in this case, as well as the fact that there are two defendants, the parties anticipate that the Probation Office would appreciate additional time to prepare the Pre-sentence Investigation Reports.
5. The defendants are incarcerated but do not object to the continuance.
6. This continuance is not sought for purposes of delay, but to allow for adequate time to prepare for sentencing.
7. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy resolution to this case.
8. The additional time requested by this stipulation is excludable in computing the time pursuant to the Speedy Trial Act, 18 U.S.C. 3161 (h)(7)(A), and considering the factors under 18 U.S.C. 3161(h)(7)(B)(i), (ii), and (iv).

DATED this 18th day of December, 2019.

NICHOLAS A. TRUTANICH
United States Attorney

/s/
ELHAM ROOHANI
Assistant United States Attorney

/s/
THOMAS PITARO
Counsel for Defendant Justin Fisher

/s/
WILLIAM TERRY
Counsel for Defendant Joshua Fisher

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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

-oOo-

7 United States Of America,
8 Plaintiff,

9 vs.

10 Justin Anthony Fisher and
Joshua Ray Fisher,
11 Defendants.

) Case No. 2:17-cr-00073-APG -EJY
)
)

Findings and Order on Stipulation

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13 Based on the pending Stipulation between the defense and the government, and good
14 cause appearing therefore, the Court hereby finds that:

- 15 1. Government counsel will be traveling out of the district on the currently set date.
16 2. Government counsel needs additional time to obtain victim impact statements from
17 the live victims in this case for the Court's consideration and to afford the victims
18 their rights under the Crime Victim's Rights Act. This includes facilitating their
19 presence at sentencing if they so request, and obtaining restitution due to them.
20 3. Defense counsel for both defendants need additional time to obtain mitigation
21 evidence for the Court's consideration.
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1 4. Due to the voluminous discovery in this case, as well as the fact that there are two
2 defendants, the parties anticipate that the Probation Office would appreciate
3 additional time to prepare the Pre-sentence Investigation Reports.

4 5. The defendants are incarcerated but do not object to the continuance.


5 6. This continuance is not sought for purposes of delay, but to allow for adequate time
6 to prepare for sentencing.

7 7. Denial of this request could result in a miscarriage of justice, and the ends of justice
8 served by granting this request outweigh the best interest of the public and the
9 defendants in a speedy resolution to this case.

10 8. The additional time requested by this stipulation is excludable in computing the time
11 pursuant to the Speedy Trial Act, 18 U.S.C. 3161 (h)(7)(A), and considering the
12 factors under 18 U.S.C. 3161(h)(7)(B)(i), (ii), and (iv).

13 THEREFORE, IT IS HEREBY ORDERED that the sentencings in the above-
14 captioned matters currently scheduled for February 6, 2020, respectfully, be vacated and
15 continued to a date and time convenient to this court, that is March 3, 2020 at 2:00 p.m. in
16 courtroom 6C.

DATED this 18th day of December, 2019.

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20 HONORABLE ANDREW P. GORDON
21 United States District Court Judge
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